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- 66. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.

II. JURISDICTION

- 67. These allegations are conclusions of law to which no response is required. To the extent these allegations are deemed to require a response, they are denied.
- 68. These allegations are conclusions of law to which no response is required. To the extent these allegations are deemed to require a response, they are denied.
- 69. These allegations are conclusions of law to which no response is required. To the extent these allegations are deemed to require a response, they are denied.

III. FACTUAL BACKGROUND

- 70. DIB admits only that on September 11, 2001, commercial airliners crashed into the World Trade Center Complex in New York and the Pentagon in Arlington, Virginia. (the "September 11th Attack"). DIB is without knowledge or information sufficient to form a belief about the truth of the remaining allegations, and therefore those allegations are denied.
- 71. DIB admits only that the September 11th Attack resulted in the loss life, personal injuries to persons, and property damage. DIB is without knowledge or information sufficient to form a belief about the truth of the remaining allegations, and therefore those allegations are denied.
- 72. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.

73. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.
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GENERAL ALLEGATIONS COMMON TO ALL CHARITY DEFENDANTS

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BENEVOLENCE INTERNATIONAL FOUNDATION

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THE MUSLIM WORLD LEAGUE

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INTERNATIONAL ISLAMIC RELIEF ORGANIZATION (IIRO)

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WORLD ASSEMBLY OF MUSLIM YOUTH

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165. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations,

and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

166. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

AL HARAMAIN ISLAMIC FOUNDATION

167. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
168. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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174. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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178. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
179. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

SAUDI HIGH COMMISSION

180. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
181. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations,

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182. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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189. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

SAUDI RED CRESCENT SOCIETY

190. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
191. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
192. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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SAUDI JOINT RELIEF COMMITTEE FOR KOSOVO AND CHECHNYA

203. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
204. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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206. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

207. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

RABITA TRUST

208. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

209. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

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211. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

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213. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

- 214. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
- 215. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
- 216. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

GLOBAL RELIEF FOUNDATION

- 217. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
- 218. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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- 220. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
- 221. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

THE SAAR NETWORK

222. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
223. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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232. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

BLESSED RELIEF (MUWAFaq) FOUNDATION

233. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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237. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

TAIBAH INTERNATIONAL AID ASSOCIATION

238. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
239. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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252. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

AL QAIDA'S PARTNERS IN THE INTERNATIONAL BANKING SYSTEM

253. DIB is without knowledge or information sufficient to form a belief about the truth of these allegations, and therefore those allegations are denied.
254. DIB is without knowledge or information sufficient to form a belief about the truth of these allegations, and therefore those allegations are denied.

- 255. DIB is without knowledge or information sufficient to form a belief about the truth of these allegations, and therefore those allegations are denied.
- 256. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.
- 257. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.
- 258. DIB is without knowledge or information sufficient to form a belief about the truth of these allegations, and therefore those allegations are denied.

THE AL TAQWA FINANCIAL NETWORK

- 259. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
- 260. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
- 261. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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AL BARAKAAT GROUP

270. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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AL RAJHI BANKING AND INVESTMENT GROUP

275. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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NATIONAL COMMERCIAL BANK

285. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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297. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

AL BARAKA INVESTMENT AND DEVELOPMENT CORPORATION

298. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
299. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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304. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations,

and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

305. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

306. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

DAR-AL-MAAL AL ISLAMI

307. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

308. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

309. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

310. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

311. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

312. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations,

and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

FAISAL ISLAMIC BANK - SUDAN

- 313. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
- 314. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
- 315. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
- 316. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
- 317. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
- 318. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
- 319. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

AL SHAMAL ISLAMIC BANK

320. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
321. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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328. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
329. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
330. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
331. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
332. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
333. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

TADAMON ISLAMIC BANK

334. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
335. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.

336. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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342. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

DUBAI ISLAMIC BANK

343. DIB admits that it is a financial institution headquartered in the United Arab Emirates. DIB denies the remaining allegations.
344. DIB denies these allegations.
345. DIB denies these allegations.

346. DIB denies these allegations.
347. DIB denies these allegations.
348. DIB denies these allegations.
349. DIB denies these allegations.²
350. This paragraph contains only conclusions of law to which no response is required. To the extent this paragraph contains allegations to which a response is required, DIB denies these allegations.

ISLAMIC DEVELOPMENT BANK

351. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
352. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
353. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
354. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations,

² Plaintiffs have stated that the additional allegations against DIB can be found in the RICO Statement attached to the Complaint. Because the RICO claim was dismissed against DIB, no response to the allegations in the RICO Statement is required. Moreover, neither the Complaint nor the RICO Statement complies with Paragraph 13 of the Court's Case Management Order #2 (the "CMO-2") because the CMO-2 contemplated Plaintiffs filing a single new amended complaint that contained all of the Plaintiffs' allegations in one document, not a complaint with numerous attached RICO Statements and other documents. To the extent that a response is deemed to be required, DIB denies the allegations in that statement.

and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

355. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

356. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

ARAB BANK, PLC

357. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

358. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

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364. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

SAUDI AMERICAN BANK

365. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

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- 375. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

AL QAIDA'S SPONSORS AND PARTNERS IN THE BUSINESS COMMUNITY

- 376. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
- 377. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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KINGDOM OF SAUDI ARABIA, SAUDI ROYAL FAMILY AND SAUDI ELITES

398. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

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SUDAN

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SYRIAN ARAB REPUBLIC

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THE ISLAMIC REPUBLIC OF IRAN

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REPUBLIC OF IRAQ

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PLAINTIFFS' INJURIES

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COUNT I

**PLAINTIFFS V. ALL DEFENDANTS
TRESPASS**

589. DIB hereby incorporates its responses to the previous allegations as if fully set forth herein.
590. These allegations are conclusions of law to which no response is required. To the extent these allegations are deemed to require a response, they are denied.
591. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.
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DIB denies that Plaintiffs are entitled to recover from DIB any of the relief requested in the WHEREFORE clause. To the extent the WHEREFORE clause relates to defendants other

than DIB, DIB is without knowledge or information sufficient to form a belief about this clause and therefore it is denied.

COUNT II

**PLAINTIFFS V. ALL DEFENDANTS
WRONGFUL DEATH**

595. DIB hereby incorporates its responses to the previous allegations as if fully set forth herein.

596. DIB is without knowledge or information sufficient to form a belief about the truth of these allegations, and therefore those allegations are denied.

597. DIB is without knowledge or information sufficient to form a belief about the truth of these allegations, and therefore those allegations are denied.

DIB denies that Plaintiffs are entitled to recover from DIB any of the relief requested in the WHEREFORE clause. To the extent the WHEREFORE clause relates to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about this clause and therefore it is denied.

COUNT III

**PLAINTIFFS V. ALL DEFENDANTS
SURVIVAL ACTION**

598. DIB hereby incorporates its responses to the previous allegations as if fully set forth herein.

599. DIB is without knowledge or information sufficient to form a belief about the truth of these allegations, and therefore those allegations are denied.

600. DIB is without knowledge or information sufficient to form a belief about the truth of these allegations, and therefore those allegations are denied.

DIB denies that Plaintiffs are entitled to recover from DIB any of the relief requested in the WHEREFORE clause. To the extent the WHEREFORE clause relates to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about this clause and therefore it is denied.

COUNT IV

**PLAINTIFFS V. ALL DEFENDANTS
ASSAULT AND BATTERY**

601. No response is required from DIB to the allegations in this paragraph because the Assault and Battery cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
602. No response is required from DIB to the allegations in this paragraph because the Assault and Battery cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
603. No response is required from DIB to the allegations in this paragraph because the Assault and Battery cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
604. No response is required from DIB to the allegations in this paragraph because the Assault and Battery cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.

No response is required from DIB to the allegations in Plaintiffs' WHEREFORE clause because the Assault and Battery cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent that a response is required, DIB denies that Plaintiffs are entitled to recover the relief requested against DIB. To the extent

the WHEREFORE clause relates to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about this clause and therefore it is denied.

COUNT V

**PLAINTIFFS V. ALL DEFENDANTS
INTENTIONAL AND/OR NEGLIGENT INFLICTION OF EMOTIONAL
DISTRESS**

605. No response is required from DIB to the Intentional Infliction of Emotional Distress allegations in this paragraph because the Intentional Infliction of Emotional Distress cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied. To the extent that the Negligent Infliction of Emotional Distress allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.
606. No response is required from DIB to the Intentional Infliction of Emotional Distress allegations in this paragraph because the Intentional Infliction of Emotional Distress cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied. To the extent that the Negligent Infliction of Emotional Distress allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.
607. No response is required from DIB to the Intentional Infliction of Emotional Distress allegations in this paragraph because the Intentional Infliction of Emotional Distress cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and

therefore those allegations are denied. To the extent that the Negligent Infliction of Emotional Distress allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.

608. No response is required from DIB to the Intentional Infliction of Emotional Distress allegations in this paragraph because the Intentional Infliction of Emotional Distress cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied. To the extent that the Negligent Infliction of Emotional Distress allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.

DIB denies that Plaintiffs are entitled to recover from DIB any of the relief requested in the WHEREFORE clause. To the extent the WHEREFORE clause relates to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about this clause and therefore it is denied.

COUNT VI

PLAINTIFFS V. ALL DEFENDANTS TORTURE VICTIM PROTECTION ACT

609. No response is required from DIB to the allegations in this paragraph because the Torture Victim Protection Act cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
610. No response is required from DIB to the allegations in this paragraph because the Torture Victim Protection Act cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the

extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.

611. No response is required from DIB to the allegations in this paragraph because the Torture Victim Protection Act cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
612. No response is required from DIB to the allegations in this paragraph because the Torture Victim Protection Act cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
613. No response is required from DIB to the allegations in this paragraph because the Torture Victim Protection Act cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.

No response is required from DIB to the allegations in Plaintiffs' WHEREFORE clause because the Torture Victim Protection Act cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent that a response is required, DIB denies that Plaintiffs are entitled to recover the relief requested against DIB. To the extent the WHEREFORE clause relates to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about this clause and therefore it is denied.

COUNT VII

**PLAINTIFFS V. ALL DEFENDANTS
CONSPIRACY**

614. No response is required from DIB to the allegations in this paragraph because the Conspiracy cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
615. No response is required from DIB to the allegations in this paragraph because the Conspiracy cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
616. No response is required from DIB to the allegations in this paragraph because the Conspiracy cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
617. No response is required from DIB to the allegations in this paragraph because the Conspiracy cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.

No response is required from DIB to the allegations in Plaintiffs' WHEREFORE clause because the Conspiracy cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent that a response is required, DIB denies that Plaintiffs are entitled to recover the relief requested against DIB. To the extent

the WHEREFORE clause relates to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about this clause and therefore it is denied.

COUNT VIII

PLAINTIFFS V. ALL DEFENDANTS

18 U.S.C. § 1962(a) - CIVIL RICO

618. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(a) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
619. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(a) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
620. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(a) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.

No response is required from DIB to the allegations in Plaintiffs' WHEREFORE clause because the 18 U.S.C. § 1962(a) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent that a response is required, DIB denies that Plaintiffs are entitled to recover the relief requested against DIB. To the extent the WHEREFORE clause relates to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about this clause and therefore it is denied.

COUNT IX

**PLAINTIFFS V. ALL DEFENDANTS
AIDING AND ABETTING**

621. No response is required from DIB to the allegations in this paragraph because the Aiding and Abetting cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
622. No response is required from DIB to the allegations in this paragraph because the Aiding and Abetting cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
623. No response is required from DIB to the allegations in this paragraph because the Aiding and Abetting cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
624. No response is required from DIB to the allegations in this paragraph because the Aiding and Abetting cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.

No response is required from DIB to the allegations in Plaintiffs' WHEREFORE clause because the Aiding and Abetting cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent that a response is required, DIB denies that Plaintiffs are entitled to recover the relief requested against DIB. To the extent the WHEREFORE clause relates to defendants other than DIB, DIB is

without knowledge or information sufficient to form a belief about this clause and therefore it is denied.

COUNT X

PLAINTIFFS V. ALL DEFENDANTS

18 U.S.C. § 2333

625. DIB hereby incorporates its responses to the previous allegations as if fully set forth herein.
626. These allegations are conclusions of law to which no response is required. To the extent these allegations are deemed to require a response, they are denied.
627. DIB is without knowledge or information sufficient to form a belief about the truth of these allegations, and therefore those allegations are denied.
628. DIB is without knowledge or information sufficient to form a belief about the truth of these allegations, and therefore those allegations are denied.
629. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.

DIB denies that Plaintiffs are entitled to recover from DIB any of the relief requested in the WHEREFORE clause. To the extent the WHEREFORE clause relates to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about this clause and therefore it is denied.

COUNT XI

PLAINTIFFS V. ALL DEFENDANTS

NEGLIGENCE

630. DIB hereby incorporates its responses to the previous allegations as if fully set forth herein.
631. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.
632. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge

or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.

633. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.
634. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.

DIB denies that Plaintiffs are entitled to recover from DIB any of the relief requested in the WHEREFORE clause. To the extent the WHEREFORE clause relates to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about this clause and therefore it is denied.

COUNT XII

PLAINTIFFS V. ALL DEFENDANTS PUNITIVE DAMAGES

635. No response is required from DIB to the allegations in this paragraph because the Punitive Damages cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
636. No response is required from DIB to the allegations in this paragraph because the Punitive Damages cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
637. No response is required from DIB to the allegations in this paragraph because the Punitive Damages cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they

relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.

No response is required from DIB to the allegations in Plaintiffs' WHEREFORE clause because the Punitive Damages cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent that a response is required, DIB denies that Plaintiffs are entitled to recover the relief requested against DIB. To the extent the WHEREFORE clause relates to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about this clause and therefore it is denied.

DIB denies that Plaintiffs are entitled to recover from DIB any of the relief requested in the WHEREFORE clause. To the extent the WHEREFORE clause relates to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about this clause and therefore it is denied.

JURY DEMAND

Plaintiffs' statement with respect to a jury trial contains no allegations to which a response is required.

Each and every allegation in Plaintiff's Complaint that has not been specifically admitted is hereby denied.

AFFIRMATIVE DEFENSES

First Affirmative Defense

1. Plaintiffs fail to state a claim for which relief can be granted.

Second Affirmative Defense

2. This Court does not have personal jurisdiction over Plaintiffs' claims against DIB.

Third Affirmative Defense

3. This Court does not have subject matter jurisdiction over Plaintiffs' claims against DIB.

Fourth Affirmative Defense

4. There is no causal connection between any of DIB's activities and Plaintiffs' asserted injuries.

Fifth Affirmative Defense

5. No act or omission of any agent, servant, or employee of DIB proximately caused any harm or damages to Plaintiffs.

Sixth Affirmative Defense

6. Plaintiffs fail to adequately allege scienter.

Seventh Affirmative Defense

7. Plaintiffs' damages and injuries were caused by other individuals or entities who are, or are not, named as parties to this action.

Eighth Affirmative Defense

8. DIB is not liable for Plaintiffs' damages based on the doctrines of several liability and/or combined or comparative fault, see, e.g., N.Y. C.P.L.R. § 1601 et seq.

Ninth Affirmative Defense

9. This Court is not the proper venue for Plaintiffs' claims against DIB.

Tenth Affirmative Defense

10. Plaintiffs have waived their claims based on the doctrine disallowing double-recovery.

Eleventh Affirmative Defense

11. Plaintiffs have waived their claims based on the collateral source doctrine.

Twelfth Affirmative Defense

12. Plaintiffs have waived their claims based on the doctrine of equitable subrogation.

Thirteenth Affirmative Defense

13. Plaintiffs' have waived their claims based on the doctrine of waiver of subrogation.

Fourteenth Affirmative Defense

14. Plaintiffs' claims are barred to the extent that they failed to mitigate damages.

Fifteenth Affirmative Defense

15. Plaintiffs have waived their claims against DIB.

Sixteenth Affirmative Defense

16. Plaintiffs' claims have been waived to the extent that certain Plaintiffs are seeking recovery against DIB for the same or similar claims in other civil actions comprising the multi-district entitled *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (RCC), pending in the United States District Court for the Southern District of New York.

Seventeenth Affirmative Defense

17. Plaintiffs' state-law claims are pre-empted by federal law.

Eighteenth Affirmative Defense

18. Plaintiffs' claims are barred by the Act of State doctrine.

Nineteenth Affirmative Defense

19. Plaintiffs' claims are barred based on principles of International Comity.

Twentieth Affirmative Defense

20. Plaintiffs' claims are barred based on Sovereign Immunity.

Twenty-first Affirmative Defense

21. Plaintiffs' claims are barred by Political Question doctrine.

Twenty-second Affirmative Defense

22. Plaintiffs' claims are barred based on principles of Immunity.

Twenty-third Affirmative Defense

23. Plaintiffs' claims are barred by the doctrine of laches.

Twenty-fourth Affirmative Defense

24. Plaintiffs' claims have been discharged in bankruptcy.

Twenty-fifth Affirmative Defense

25. Plaintiffs' claims are barred by the doctrine of election of remedies.

Twenty-sixth Affirmative Defense

26. Plaintiffs have released their claims against DIB.

Twenty-seventh Affirmative Defense

27. Plaintiffs have discharged their claims against DIB.

Twenty-eighth Affirmative Defense

28. Plaintiffs' claims are barred by the doctrine of compromise and settlement.

Twenty-ninth Affirmative Defense

29. Plaintiffs are precluded from asserting their claims by the doctrine of res judicata.

Thirtieth Affirmative Defense

30. Plaintiffs are precluded from asserting their claims by the doctrine of collateral estoppel.

Thirty-first Affirmative Defense

31. Plaintiffs lack standing to pursue their claims against DIB.

Thirty-second Affirmative Defense

32. Plaintiffs' claims are barred by the statute of limitations.

Thirty-third Affirmative Defense

33. Plaintiffs are estopped from receiving the relief requested against DIB.

Thirty-fourth Affirmative Defense

34. Plaintiffs' claims are invalid in light of workers' compensation laws, regulations, rules, and case law.

Thirty-fifth Affirmative Defense

35. Plaintiffs' claims are barred to the extent that they violate DIB's right to Due Process.

Thirty-sixth Affirmative Defense

36. Plaintiffs' claims for punitive damages against DIB are invalid because DIB's activities, as alleged by Plaintiffs, were not committed with intent, malice, willful and outrageous conduct aggravated by evil motive, or reckless indifference, and none of DIB's activities in any way were intended to, or did harm, the Plaintiffs in this action.

Thirty-seventh Affirmative Defense

37. In response to Plaintiffs' claims, DIB intends to invoke all other defenses, including affirmative defenses, that become apparent in the future (including through discovery), and reserve the right, in accordance with the Federal Rules of Civil Procedure and the Local Civil Rules of the United States District Court for the Southern District of New York, to assert such defenses at a later point in time.

DATED: September 28, 2010

Respectfully submitted,

/s/ Robert G. Houck

Robert G. Houck

Juan P. Morillo (admitted *pro hac vice*)

Steven T. Cottreau (admitted *pro hac vice*)

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